

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JASON SWIGER, <i>et al.</i> , on behalf of themselves and others similarly situated,)	CASE NO.: 1:15-cv-02196
Plaintiffs,))
vs.))
UTZ QUALITY FOODS, INC.)	<u>JOINT MOTION FOR FINAL</u>
Defendant.)	<u>APPROVAL OF CLASS ACTION</u>
)	<u>SETTLEMENT</u>
))

Plaintiffs Julio Cruz, Julia Williams, Tom Holt, and Nicholas DeRose (“Rule 23 Class Representatives”)¹, on behalf of themselves and the members of the proposed Rule 23 Classes (“Rule 23 Classes”)², and Defendant Utz Quality Foods, Inc. (“Utz”) hereby respectfully request that this Honorable Court:

1. Finally approve the Parties’ Settlement Agreement, the terms of which were the result of a resolution reached after a lengthy mediation proceeding held under the auspices of Michael D. Young, Esq. of JAMS;

¹ Rule 23 Class Representatives are herein collectively referred to as “Representative Plaintiffs” or “Class Representatives”.

² Class Representatives and members of the proposed Rule 23 Classes are herein collectively referred to as “Class Members”.

2. Finally approve the Parties' settlement of the Rule 23 Classes pursuant to Fed. R. Civ. P. 23(e); and
3. Finally approve the request for attorneys' fees and costs of The Lazzaro Law Firm, LLC and Nilges Draher, LLC, co-counsel for the Plaintiffs.

In support of this Motion, Class Representatives and Defendant submit the following exhibits proposed order:

Exhibit 1: Declaration of Class Counsel Anthony J. Lazzaro Supporting Approval of Settlement and Attorneys' Fees.

Exhibit A: Corrected List of Eligible Class Members

Exhibit B: List of Eligible FLSA Class Members Who Executed and Submitted Forms

Exhibit C: William Clary Letter Requesting Exclusion

Exhibit D: Statement of Litigation Expenses

Exhibit 2: Declaration of Class Counsel Hans A. Nilges Supporting Approval of Settlement and Attorneys' Fees.

Exhibit A: Statement of Litigation Expenses

Exhibit 3: Final Order Approving Class Action Settlement Agreement and Judgment Entry

The following schedule sets forth a proposed sequence for the Settlement:

- Thirty (30) calendar days after the Court's Final Order and Judgment Entry: the Effective Date;
- By the Effective Date: Defendant will issue the Settlement Payment and information relating to each Class Member's tax withholdings from their Individual Payments directly to the Settlement Administrator; and
- Five business (5) days after the Effective Date: Settlement Administrator will mail the settlement funds to Class Representatives, Rule 23 Class Members, FLSA Class Members, the Service Awards to Class Representatives and Discovery Class Representatives, and the attorneys' fees and reimbursement of litigation expenses to Class Counsel.

As noted in the attached Memorandum in Support, the Settlement Agreement was reached during a mediation including arms-length negotiations between the Parties, with the assistance of Mediator Michael D. Young of JAMS, which were conducted by experienced counsel following investigation and substantial discovery, and on the basis of mutual recognition of the strengths and weaknesses of each other's positions, and the risks to each side of continued litigation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, a copy of the foregoing *Joint Motion For Final Approval Of Class Action Settlement* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Chastity L. Christy
Attorney for Plaintiff